

# **EXHIBIT 9**

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19 *Interim Co-Lead Counsel for Plaintiffs and Plaintiff  
20 Class*

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

1 IN RE: HIGH-TECH EMPLOYEE  
2 ANTITRUST LITIGATION  
3  
4 THIS DOCUMENT RELATES TO:  
5  
6 ALL ACTIONS

Master Docket No. 11-CV-2509-LHK  
**DECLARATION OF BRANDON  
MARSHALL IN SUPPORT OF  
PLAINTIFFS' MOTION FOR CLASS  
CERTIFICATION**

21 Date: December 13, 2012  
22 Time: 1:30 pm  
23 Courtroom: 8, 4th Floor  
24 Judge: Honorable Lucy H. Koh

1 I, Brandon Marshall, declare as follows:

2       1. I make this statement on the basis of my personal knowledge and, if called as a  
 3 witness, could and would testify as to its contents. I worked for Defendant Adobe Systems, Inc.  
 4 (“Adobe”) as a Software Product Quality Engineer, on a salaried basis, from July 2006 through  
 5 December 2006. I am a named plaintiff in this lawsuit.

6       2. Before filing this lawsuit, I became aware of the United States Department of  
 7 Justice (“DOJ”) investigation regarding agreements Adobe, and other Defendants entered into to  
 8 eliminate competition for labor. I believe I was harmed by such no cold calling or no solicitation  
 9 agreements, and that my wages and those of other employees like me were artificially suppressed.

10      3. I retained counsel to file a class action lawsuit on my behalf, and on behalf of a  
 11 class of other similarly situated individuals, to hold Defendants accountable for their wrongful  
 12 acts, to seek compensation for those the Defendants harmed, and to deter such misconduct in the  
 13 future. That case was filed in California Superior Court, Santa Clara County, on June 28, 2011.  
 14 The case was subsequently removed by Defendants to United States District Court for the  
 15 Northern District of California. On September 12, 2011, my case was consolidated with four  
 16 other similar cases, and my counsel filed a Consolidated Amended Complaint on September 13,  
 17 2011. (Dkt. No. 65.)

18      4. I seek appointment as a class representative so that I may represent other people  
 19 with similar claims and damages. I believe a class lawsuit will save time, money, and effort, and  
 20 thus will benefit all parties and the Court. I believe this class action is an important tool to assure  
 21 Defendants’ compliance with the law and to ensure just compensation to all those similarly  
 22 situated to me.

23      5. I understand the duties of a class representative to include the following:

24       a. A class representative represents the interests of all members of the class to  
 25 recover damages for the class, and any other relief as appropriate.

26       b. A class representative has claims which are typical of those of the class,  
 27 and thus involve common issues of law or of fact. For example, as a class representative, my  
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1 claims against Defendants are typical of the class claims against them, because each class  
2 member incurred damages as a result of the same course of Defendants' misconduct.

3 c. A class representative always considers the interests of the class just as the  
4 class representative considers his or her own interests.

5 d. A class representative participates actively in the lawsuit, such as by  
6 testifying at deposition and trial, answering written interrogatories, and by keeping generally  
7 aware of the status and progress of the lawsuit. I have participated actively in this lawsuit and  
8 will continue to do so. I have made myself available for deposition. I have answered several  
9 interrogatories, and I have supplemented those answers twice, at Defendants' request. I have  
10 searched and provided all documents in my custody or control responsive to Defendants'  
11 document requests. I have followed the status and progress of this lawsuit.

12 e. A class representative recognizes and accepts that any resolution of the  
13 lawsuit, such as by settlement or dismissal, is subject to court approval, and must be in the best  
14 interests of the class as a whole.

15 6. If the Court appoints me as a class representative I will perform these duties to the  
16 best of my ability.

17 I declare under penalty of perjury under the laws of California and the United States that  
18 the foregoing is true and correct.

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20 Executed on September, 2012 in SUNNYVALE, CA.

21 By: Brian Garber  
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